

EXHIBIT 22

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9 Attorneys for Defendant FACEBOOK, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 ANGEL FRALEY; PAUL WANG; SUSAN
15 MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
16 Litem; and WILLIAM TAIT, a minor, by and
through RUSSELL TAIT, as Guardian ad
17 Litem; individually and on behalf of all others
similarly situated,

18 Plaintiffs,

19 v.

20 FACEBOOK, INC., a corporation; and DOES
21 1-100,

22 Defendants.
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27
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JUN 27 2011

ARNS LAW FIRM

Case No. CV 11-01726 LHK (PSG)

**DEFENDANT FACEBOOK, INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFFS' REQUESTS FOR ADMISSIONS**

SETS ONE - FIVE

REQUEST FOR ADMISSION NO. 1.3:

Admit that SPONSORED STORIES has been available on FACEBOOK.COM since January 25, 2011.

RESPONSE TO REQUEST FOR ADMISSION NO. 1.3:

Defendant objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORIES" is vague, ambiguous, and unintelligible for the reasons set forth in General Objection Number 16, incorporated herein by reference as though fully set forth herein. Defendant further objects to this Request on the grounds that the phrase "has been available" is vague, ambiguous and unintelligible in the context of this Request. Defendant further objects to this Request as premature, as set forth in Defendant's June 21, 2011 Motion for Protective Order.

REQUEST FOR ADMISSION NO. 1.4:

Admit that SPONSORED STORIES are advertisements within the meaning of California Civil Code section 3344.

RESPONSE TO REQUEST FOR ADMISSION NO. 1.4:

Defendant objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORIES" is vague, ambiguous, and unintelligible for the reasons set forth in General Objection Number 16, incorporated herein by reference as though fully set forth herein. Defendant further objects to this Request as calling for a legal conclusion. Defendant further objects to this Request as premature, as set forth in Defendant's June 21, 2011 Motion for Protective Order.

REQUEST FOR ADMISSION NO. 1.5:

Admit that SPONSORED STORIES is an advertising service provided by FACEBOOK to advertisers.

RESPONSE TO REQUEST FOR ADMISSION NO. 1.5:

Defendant objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORIES" is vague, ambiguous, and unintelligible for the reasons set forth in General Objection Number 16, incorporated herein by reference as though fully set forth herein. Defendant further objects to this Request on the grounds that the phrase "advertising service" is

vague, ambiguous and unintelligible. Defendant further objects to this Request as calling for a legal conclusion. Defendant further objects to this Request as premature, as set forth in Defendant's June 21, 2011 Motion for Protective Order.

REQUEST FOR ADMISSION NO. 1.6:

Admit that SPONSORED STORIES are advertisements to MEMBERS.

RESPONSE TO REQUEST FOR ADMISSION NO. 1.6:

Defendant objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORIES" is vague, ambiguous, and unintelligible for the reasons set forth in General Objection Number 16, incorporated herein by reference as though fully set forth herein. Defendant further objects to this Request on the grounds that the phrase "advertisements to MEMBERS" is vague, ambiguous and unintelligible. Defendant further objects to this Request as calling for a legal conclusion. Defendant further objects to this Request as premature, as set forth in Defendant's June 21, 2011 Motion for Protective Order.

REQUEST FOR ADMISSION NO. 1.7:

Admit that MEMBERS whose IDENTITIES (*when applied to a MEMBER, means full name, photograph, voice, signature, likeness and identity of that MEMBER as known by YOU*) are used in a SPONSORED STORY advertisement are not compensated for such use.

RESPONSE TO REQUEST FOR ADMISSION NO. 1.7:

Defendant objects to this Request as calling for an admission with no relevance that is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORY" is vague, ambiguous, and unintelligible for the reasons set forth in General Objection Number 16, incorporated herein by reference as though fully set forth herein. Defendant further objects to the premise of this Request, including the suggestion that Sponsored Stories are advertisements that use members' identities. Defendant further objects to this Request as the term "compensated" and phrase "such use" are vague, ambiguous and unintelligible. Defendant further objects to this Request on the grounds that Plaintiffs' defined term "IDENTITIES" is vague, ambiguous, and unintelligible for the reasons set forth in General Objection Number 18, incorporated herein by

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MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
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Litem; individually and on behalf of all others
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Plaintiffs,

v.

FACEBOOK, INC., a corporation; and DOES
1-100,

Defendants.

Case No. CV 11-01726 LHK (PSG)

**DEFENDANT FACEBOOK, INC.'S
AMENDED RESPONSES AND OBJECTIONS
TO PLAINTIFFS' REQUESTS FOR
ADMISSIONS**

SETS ONE - FIVE

PURSUANT TO THE PARTIES' STIPULATED PROTECTIVE ORDER

REQUESTS NO. 1.3 AND 4.9 DESIGNATED: CONFIDENTIAL

1 between you and us, without regard to conflict of law provisions.” Except as otherwise expressly
 2 admitted, this Request is denied.

3 **REQUEST FOR ADMISSION NO. 1.2:**

4 Admit that FACEBOOK created SPONSORED STORIES (*the content found at*
 5 *FACEBOOK.COM and the scheme by which it is generated, known by that NAME, and offered as*
 6 *an advertising service by FACEBOOK. The term also includes the system which generates and*
 7 *delivers SPONSORED STORIES content*).

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1.2:**

9 Defendant objects to this Request on the grounds that Plaintiffs’ defined term
 10 “SPONSORED STORIES” is overly broad, vague, and ambiguous for the reasons set forth in
 11 General Objection Number 11, incorporated herein by reference as though fully set forth herein.
 12 Defendant will construe “SPONSORED STORIES” as set forth in its General Objections.
 13 Defendant objects to this Request on the grounds that the term “created” is vague and ambiguous
 14 in the context of this Request. Subject to and without waiving the General and Specific
 15 Objections, Defendant responds as follows:

16 Facebook admits that it developed and implemented the service and process through
 17 which user-created content may be republished on Facebook web pages as Sponsored Stories,
 18 subject to users’ account and privacy settings. Except as otherwise expressly admitted, this
 19 Request is denied.

20 **REQUEST FOR ADMISSION NO. 1.3:**

21 Admit that SPONSORED STORIES has been available on FACEBOOK.COM since
 22 January 25, 2011.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 1.3:**

24 Defendant objects to this Request on the grounds that Plaintiffs’ defined term
 25 “SPONSORED STORIES” is overly broad, vague, and ambiguous for the reasons set forth in
 26 General Objection Number 11, incorporated herein by reference as though fully set forth herein.
 27 Defendant will construe “SPONSORED STORIES” as set forth in its General Objections.
 28 Defendant further objects to this Request on the grounds that the phrase “has been available” is

vague and ambiguous in the context of this Request. Subject to and without waiving the General and Specific Objections, Defendant responds as follows:

CONFIDENTIAL

Facebook admits that the official launch of Sponsored Stories on Facebook.com occurred on January 25, 2011. Facebook ran limited (unpaid) tests of Sponsored Stories on Facebook.com beginning in approximately October 2010.

CONFIDENTIAL

REQUEST FOR ADMISSION No. 1.4:

Admit that SPONSORED STORIES are advertisements within the meaning of California Civil Code section 3344.

RESPONSE TO REQUEST FOR ADMISSION No. 1.4:

Defendant objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORIES" is overly broad, vague, and ambiguous for the reasons set forth in General Objection Number 11, incorporated herein by reference as though fully set forth herein. Defendant will construe "SPONSORED STORIES" as set forth in its General Objections. Defendant further objects to this Request as calling for a legal conclusion. Subject to and without waiving the General and Specific Objections, Defendant responds as follows:

Facebook denies this Request.

REQUEST FOR ADMISSION No. 1.5:

Admit that SPONSORED STORIES is an advertising service provided by FACEBOOK to advertisers.

RESPONSE TO REQUEST FOR ADMISSION No. 1.5:

Defendant objects to this Request on the grounds that Plaintiffs' defined term "SPONSORED STORIES" is overly broad, vague, and ambiguous for the reasons set forth in General Objection Number 11, incorporated herein by reference as though fully set forth herein. Defendant will construe "SPONSORED STORIES" as set forth in its General Objections.

1 Defendant further objects to this Request on the grounds that the phrase “advertising service” is
 2 vague and ambiguous in the context of this Request. Defendant further objects to this Request as
 3 calling for a legal conclusion. Subject to and without waiving the General and Specific
 4 Objections, Defendant responds as follows:

5 Facebook admits that some third parties pay a fee to have user-generated stories that are
 6 eligible to appear in users’ Facebook Friends’ News Feeds, subject to the users’ account and
 7 privacy settings, redisplayed on certain pages on Facebook.com. Except as otherwise expressly
 8 admitted, this Request is denied.

9 **REQUEST FOR ADMISSION NO. 1.6:**

10 Admit that SPONSORED STORIES are advertisements to MEMBERS.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 1.6:**

12 Defendant objects to this Request on the grounds that Plaintiffs’ defined terms
 13 “MEMBERS” and “SPONSORED STORIES” are overly broad, vague, and ambiguous for the
 14 reasons set forth in General Objection Numbers 10 and 11, incorporated herein by reference as
 15 though fully set forth herein. Defendant will construe “MEMBERS” and “SPONSORED
 16 STORIES” as set forth in its General Objections. Defendant further objects to this Request on the
 17 grounds that the phrase “advertisements to MEMBERS” is vague and ambiguous in the context of
 18 this Request. Defendant further objects to this Request as calling for a legal conclusion. Subject
 19 to and without waiving the General and Specific Objections, Defendant responds as follows:

20 Facebook denies this Request.

21 **REQUEST FOR ADMISSION NO. 1.7:**

22 Admit that MEMBERS whose IDENTITIES (*when applied to a MEMBER, means full*
 23 *name, photograph, voice, signature, likeness and identity of that MEMBER as known by YOU*)
 24 are used in a SPONSORED STORY advertisement are not compensated for such use.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 1.7:**

26 Defendant objects to this Request on the grounds that Plaintiffs’ defined terms
 27 “MEMBERS” and “SPONSORED STORY” are overly broad, vague, and ambiguous for the
 28 reasons set forth in General Objection Numbers 10 and 11, incorporated herein by reference as